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| 09/713,966 | 11/15/2000 | Robert Wing | 3354-9 | 5187 |
| 22442 | 7590 | 09/09/2005 | EXAMINER | |
| SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202 | | | SIDDIQI, MOHAMMAD A | |
| | | | ART UNIT | PAPER NUMBER |
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DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,966

Applicant(s)

WING ET AL.

Examiner

Mohammad A. Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-26 and 39-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-26, 39-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152).
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1, 3-26, 39-47 are presented for examination. Claims 2 and 27-38 have been cancelled. Claims 43-47 are new.

Double Patenting

2. Claims 1- 77 of copending application No.10/450,011 contains every element of claims 1, 3-26, 39-42 of the instant application and as such anticipates claims 1, 3-26, 39-42 of the instant application.

3. "A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). " ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claims 1 recites the broad recitation "downloading an identifier from said server to said browser over said first communication channel", and the newly added claim 43 recites "downloading a page for displaying in said browser window over said first communication channel, wherein said identifier is not downloaded part of said page" which is the contradictory statement of the limitation.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3-26, 39-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al. (6,477,531) (hereinafter Sullivan) in view of Stone et al. (6,101,510) (hereinafter Stone).

8. As per claim 1, Sullivan discloses a method for remotely diagnosing a computer (col 2, lines 9-17), comprising:

establishing a first communication channel between a server and a communications interface associated with a client computer, wherein said communication includes a browser (Web browser, col 2, lines 44-55);

establishing a second communication channel between a client application operating on said client computer and said server (between client and server, spawn multiple TCP connection, col 7, lines 10-31);

downloading an identifier (80, Fig 4) from said server to said browser over said first communication channel (col 7, lines 49-58);

in response to a signal associated with said communications interface and received by said server (col 7, lines 53-58), downloading a first diagnostic tool (Diagnostic maps, col 2, lines 63-67 and col 3, lines 1-5) from said server to said client application (dynamically downloaded to the user's machine, col 5, lines 36-45);

executing said first diagnostic tool using said client application (Diagnostic maps, col 2, lines 63-67 and col 3, lines 1-5);

returning a result from said client application to said server (col 7, lines 10-25); and returning a disposition from said server to said communications interface (start to finish, col 11, lines 22-43).

Sullivan does not explicitly teach placing said identifier in a title bar of a browser window; passing said identifier from said browser window to said client application, wherein said client application copies said identifier from said browser window. However, inter-process communication, passing data from one application using Java classes, Visual C++, Visual Basic, or OLE are well known in the software development art. For example, Stone teaches available API to accomplish placing said identifier in a title bar of a browser window; passing said identifier from said browser window to said client application, wherein said client application copies said identifier from said browser window (identifier is interpreted as data and passing identifier is interpreted as data exchange between two window based application, 68,44,

fig 2, col 3, lines 15-22, col 7, lines 14-20, and col 11, lines 25-63, OLE). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Sullivan and Stone. The motivation would have been data and functions of web browser directly accessible to the code of an application program.

9. As per claim 3, Sullivan discloses further comprising:

establishing a user record in a database associated with said server corresponding to said client computer (col 6, lines 39-46 and col 7, lines 10-15), wherein said record includes a status field (dataset, col 7, lines 10-25 and col 11, lines 22-30, dynamically guides the user);

in response to a signal received from said communications interface setting said status field to a first value (col 2, lines 63-67 and col 3, lines 1-5);

executing a second diagnostic tool using said client application in response to said client application detecting said first value in said user record (diagnostic map, col 7, lines 10-25).

10. As per claim 4, Sullivan discloses in response to a signal received from said client application, setting said status field to a second value after said step of executing a said second diagnostic tool is essentially complete

(dataset, col 7, lines 10-25 and col 11, lines 22-30, dynamically guides the user);

displaying a next page in response to said communications interface detecting said second value in said user record (dataset, col 7, lines 10-25 and col 11, lines 22-30, dynamically guides the user).

11. As per claim 5, Sullivan discloses wherein said client application polls said server to detect said first value (col 7, lines 10-35).

12. As per claim 6, Sullivan discloses said communications interface polls said server to detect said second value (col 7, lines 10-35).

13. As per claim 7, Sullivan discloses
using said communications interface, prompting a user to select a potential computer problem (user to monitor and/or interact, col 7, lines 10-35);

in response to said user's input, downloading and executing a third diagnostic tool using said client application (diagnostic map, col 7, lines 10-35);

returning a result of executing said third diagnostic tool to said server (diagnostic map, col 7, lines 10-35); and

displaying a disposition to said user using said communications interface (monitor and interact, col 7, lines 10-25).

14. As per claim 8, Sullivan discloses wherein said server compares said result of executing said third diagnostic tool to a plurality of stored results (historic views, col 6, lines 56-61), wherein each of said stored results is associated with one of a plurality of dispositions (historic views, col 6, lines 56-61), and wherein said server returns at least a first disposition of said plurality of dispositions to said communications interface dispositions (historic views, col 6, lines 56-61).

15. As per claim 9, Sullivan discloses said second diagnostic tool traps an error message generated on said client computer (col 7, lines 10-25 and lines 45-67), and wherein said step of returning a result to said server comprises returning said trapped error message to said server (diagnostic map, col 7, lines 10-35 and col 11, lines 22-43).

16. As per claim 10, Sullivan discloses in response to a signal from said communications interface and received by said server, downloading a second client diagnostic tool from said server to said client application (col 7, lines 10-35 and col 5, lines 36-45);

executing said second client diagnostic tool (col 2, lines 63-67 and col 3, lines 1-5); and

returning a result from said client application to said server (col 7, lines 10-35).

17. As per claim 11, Sullivan discloses disposition comprises information concerning at least one of a list of installed hardware, a list of installed software, a hardware fault, a software fault, a recommendation to perform a maintenance procedure and a source for obtaining further information (col 2, lines 25-31).

18. As per claim 12, Sullivan discloses providing at least a partial inventory of devices installed on said client computer to a user (diagnostic map examines the client system, col 2, lines 44-50, lines 65-67 and col 7, lines 10-35); and

prompting the user of said client computer (col 7, lines 10-35) to identify one or more additional installed devices ((diagnostic map examines the client system, col 2, lines 44-50, lines 65-67 and col 7, lines 10-35).

19. As per claim 13, Sullivan discloses storing at least a partial inventory of devices installed on said client computer in a database associated with

said server (diagnostic map examines the client system, col 2, lines 44-50, lines 65-67, col 6, lines 40-46, and col 7, lines 10-35).

20. As per claim 14, the claim is rejected for the same reasons as claim 1, above.

21. As per claim 15, Sullivan discloses wherein said computer network comprises the Internet (14, fig 1).

22. As per claim 16, Sullivan discloses a first of said client diagnostic tools creates a first inventory of hardware and software installed on said client computer (col 2, lines 63-67).

23. As per claim 17, Sullivan discloses said first inventory is returned to said communications interface (col 2, lines 63-67 and col lines 1-5)

24. As per claim 18, The claim is rejected for the same reasons as claim 11, above.

25. As per claim 19, Sullivan discloses said referral to an additional source of repair information comprises providing at least one of a telephone

number, a mailing address, an e-mail address and a Universal Resource Locator (col 3, lines 16-29).

26. As per claim 20, the claim is rejected for the same reasons as claims 1-13, above.

27. As per claim 21, the claim is rejected for the same reasons as claim 8, above.

28. As per claim 22, Sullivan discloses downloading a third diagnostic tool to said computer (col 5, line40-45);

executing said third diagnostic tool using said client application (col 2, lines 63-67), wherein an application resident in said computer is opened, and wherein information concerning the opening of said resident application is returned to said server (col 7, lines 10-35).

29. As per claim 23, Sullivan discloses said information comprises at least one of a time to load said resident application, an error message, and a time to exit said resident application (col 11, lines 22-44).

30. As per claim 24, the claim is rejected for the same reasons as claim 1, above.

31. As per claim 25, Sullivan discloses said step of executing said first diagnostic tool is initiated in response to said client application detecting a first value in a user record stored on said server (dataset, col 7, lines 10-35), wherein said first value is entered in said user record in response to a signal received from said communications interface (col 7, lines 10-35).

32. As per claim 26, the claim is rejected for the same reasons as claim 4, above.

33. As per claims 39 and 40, claims are rejected for the same reasons as claim 1-14, above.

34. As per claim 41, the claim is rejected for the same reasons as claim 1, above.

35. As per claim 42, the claim is rejected for the same reasons as claim 1, above.

36. As per claim 43, Sullivan discloses downloading a page for displaying in said browser window over said first communication channel, wherein said identifier is not downloaded part of said page (60-74, fig 4, no ID has been established so far).

37. As per claim 44, Sullivan discloses downloading a page for display in said browser window, wherein said identifier is not downloaded as part of said page (60-74, fig 4, no ID has been established so far).

38. As per claim 45, Sullivan discloses identifier is downloaded from said server to said browser independently of a browser page (80, fig 4, ID has been established).

39. As per claim 46, Sullivan discloses identifier is downloaded to said communications interface independently of a browser page (80, fig 4, ID has been established).

40. As per claim 47, the claim is rejected for the same reasons as claim 1, above. In addition Sullivan discloses client application is not a browser plug-in (client component includes a session manager, a diagnostic engine, and GUI, col 7, lines 10-25).

Response to Arguments

41. Applicant's arguments filed 06/16/2005 have been fully considered but they are not persuasive, therefore rejections to claims 1, 2-26, and 39-42 is maintained.

42. In the remarks applicants argued that:

Argument: Sullivan does not disclose establishing a first communication channel between a server and a communications interface associated with a client computer, wherein said communication includes a browser.

Response: Sullivan discloses establishing a first communication channel between a server and a communications interface associated with a client computer, wherein said communication includes a browser (technical support interface is launched between client and technical support server and the interface has browser, col 2, lines 44-55).

Argument: Sullivan does not disclose establishing a second communication channel between a client application operating on said client computer and said server.

Response: Sullivan discloses establishing a second communication channel between a client application (client component includes a session manger, a

diagnostic engine, and GUI, col 7, lines 10-25) operating on said client computer (col 7, lines 53-58, motive assistant) and said server (between client and server, spawn multiple TCP connection and each tcp connection is a logical communication channel, col 7, lines 10-31).

Argument: Sullivan does not disclose downloading an identifier from said server to said browser over said first communication channel; passing said identifier from said browser window to said client application, wherein said client application copies said identifier from said browser window.

Response: Sullivan discloses downloading an identifier (80, Fig 4) from said server to said browser over said first communication channel (col 7, lines 49-58). Stone teaches available API to accomplish placing said identifier in a title bar of a browser window; passing said identifier from said browser window to said client application, wherein said client application copies said identifier from said browser window (identifier is interpreted as data and passing identifier is interpreted as data exchange between two window based application, 68, 44, fig 2, col 3, lines 15-22, col 7, lines 14-20, and col 11, lines 25-63, OLE supports dynamic data exchange between two window based application). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of

Sullivan and Stone. The motivation would have been data and functions of web browser directly accessible to the code of an application program.

Conclusion

43. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-

3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100